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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,874	03/02/2000	Swain W. Porter	109911-130400	5325

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,874

Applicant(s)

PORTER, SWAIN W.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 35-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined. The RCE and amendment filed 10/10/05 has been entered.
2. The amendment to claim 25 is sufficient that the restriction requirement has been removed.

#### Claim Rejections - 35 USC § 102(e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-11, 14-19, 21-23, 25-28, 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason et al. U.S Patent No. 6,330,010.

As per claim 1: Nason discloses a computer system/ method for displaying data as follows:

the computer system having a display device (68) including a primary display surface controllable by an operating system (Fig. 3, 6, 7) and an overscan area not controlled by the operating system (column 2 lines 47-65);

reserving a first portion (30) of the operating system controllable primary display surface for exclusive use by a first program; and rendering contents in the reserved first portion of the primary display surface, by said first program, excluding all other programs from using said reserved first portion of operating system controllable primary display surface (abstract, Fig.2, 7, column 10 lines 45-62, column 15 lines 1-30).

Regarding claim 2, in additional to what is recited in claim 1, Nason's window system allows a window manager to switch to a display mode having a smaller pixel configuration "adjusting parameters for said video display system to increase the number of pixels in a dimension of said video display system by a number of pixels less than or equal to a difference between the number of pixels specified in said video mode and a maximum number of pixels which said video display system can effectively display "(col.4 lines 27-39, and tables 1-3, claims 1,11,18).

Regarding claims 3,7-8, in additional to what is recited in claim 2 or 6, respectively, Nason's system discloses the reserving/ unreserving which inherently aborting a responsive request by the window manager to switch to a display mode having the smaller/ larger pixel configuration "The display is reset to the original resolution, step 126, and the CR registers are reset to their original values" (col.14 lines 10-15, Figs.7,9 tables 1-3).

Regarding claims 4,9, in additional to what is recited in claim 2, Nason's system discloses the reserving further comprises pre-alerting an exclusive-use display area manager of said display mode switch request to said window manager "System resolution messages are received whenever the system or user changes the screen or color resolution" (col.14 lines 9-15).

Regarding claims 5-6, in additional to what is recited in claim 1, Nason's system discloses the reserving/unreserving is performed only if the first/ second event is

determined to have occurred, respectively "the overscan interface may be constantly visible or it may toggle between visible and invisible states based upon any of a number of programming parameters (including, but not limited to, the state of the active window, the state of a toggle button, etc.)." (col. 4 lines 6-16).

Regarding claims 10-11, in additional to what is recited in claim 1, Nason windows system "Microsoft Windows environments (including Microsoft Window 95 and derivatives, and Microsoft Windows NT 4.0 and derivatives)" (col.4 lines 27-32) inherently has functions for requesting to change a display mode to a full or normal screen mode and temporarily stop / resume rendering contents in the reserved portion of the operating system controllable display surface when changing the display mode to a full or normal. respectively "Referring now in particular to FIG. 7, upon initialization, at Identify Display Type step 102, the program attempts to determine the display type, and current location in memory used by the display driver, in order to determine the size and locations of any display modifications to be made, e.g. to the size and location of overscan area(s) to be used " (col.6 lines 67-67).

Regarding claim 14-15 and 22, these show the same features as claims 2-4 and are rejected for the same reasons.

Regarding claims 16-19, they contain similar features in scope to claims 1-11. Thus, they are rejected under similar rationale.

Regarding claims 21,23, in additional to what is recited in claims 1,16, Nason's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 44-55).

Regarding claims 25-28, these show the same features as claims 1, 4, 10, and 11, and are rejected for the same reasons respectively.

Regarding claims 35-36, these show the same features as claim 1 and are rejected for the same reasons.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13, 20, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No. 6,330,010. in view of Gould et al. U.S Patent No. 6,583,793.

Regarding claims 12-13, 20, 24, 29 in addition to what is recited in claims 1, 10, 25, Nason fails to disclose "intercepting all page flipping calls by said application, and forwarding each of said page flipping calls onward only after said first program has updated a back buffer." However, it was known in art that that page flipping calls onward with a back buffer are associated in the window environment. For example, Gould discloses "page flipping the back buffer to a front buffer after the three dimensional object has been written into the back buffer" (column 3 lines 5-20). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the

time of invention to use Gould's teaching of page flipping, and back buffer teaching with Nason system to effectively and efficiently provides real time integration of three-dimensional objects and live video in GUI environment as Gould suggested (col.3 lines 10-13).

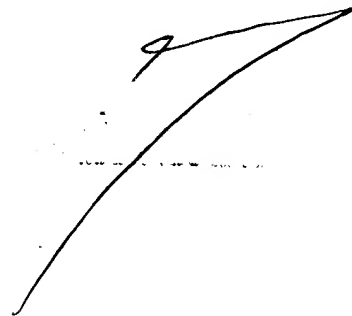
4. Applicant's arguments filed have been fully considered but they are not persuasive. The amendment to the claims merely focuses on the primary display area, but note that Nason also describes this area as well and how it is dedicated for use by the particular program. The operating system does not immediately have access to the overscan area, but has to be later bypassed in order to control it. Thus Nason shows the system in which the primary display area is dedicated, and the overscan area is not (yet by default) controlled by the operating system. Examiner has indeed attempted to understand the amendment in light of what applicant may be trying to distinguish, but as mentioned the amendment still does not present anything which Nason does not already show. Note though the amendment is sufficient in resolving the restriction requirement for claims 25-29, and the restriction has been thus totally removed. Applicant's representative is invited to contact Examiner so that specific claim language, if possible, may be worked out to distinguish over the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature, possibly reading "J. Kincaid", is written in black ink in the lower right quadrant of the page.